

REMARKS

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks.

Claims 1-21 remain pending, with claims 1, 11 and 20 being independent claims. Claims 1, 3-6, 8, 11, 14-17, and 19-21 have been amended herein. Support for the amendments can be found throughout the originally-filed disclosure, including, for example, in Figures 1 and 2. Thus, Applicants submit the amendments include no new matter.

Claims 1-5, 7-8, 10-16, and 18-21 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Williams et al. (U.S. Patent No. 5,815,657) in view of Randell et al. (U.S. Patent Application Pub. No. 2004/0064375). Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams et al. in view of Randell et al., and further in view of Rose et al. (U.S. Patent No. 5,757,917). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams et al. in view of Randell et al., and further in view of Campbell et al. (U.S. Patent Application Pub. No. 2002/0023033).

Applicants respectfully traverse the rejections. Nevertheless, without conceding the propriety of the rejections and solely to expedite prosecution, Applicants have amended independent Claims 1, 11, and 20 to clarify the distinctions between these claims and the cited references. Accordingly, Applicants submit the independent claims are allowable, for at least the foregoing reasons.

The Office Action cites Williams et al. as disclosing a method of selecting payment systems for facilitating the processing of payments. Specifically, the Office Action asserts that Williams et al. discloses receiving of user payment criteria for the purchase of an item when a user enters an order and clicks to calculate the order. The Office Action further asserts that Williams et al. discloses querying a directory of payment systems to locate at

least one payment system to process the transaction when the user selects a particular form of payment, as described in conjunction with the paywindow display disclosed at column 20, line 61 through column 21, line 3 of the reference. The Office Action still further asserts that Williams et al. discloses returning an identification of the one or more located payment systems to process the transaction.

Assuming, arguendo, that Williams et al. discloses the steps of a method as asserted in the Office Action, Applicants still respectfully submit that Williams et al. fails to teach or suggest the method recited in amended independent claim 1. The steps disclosed by Williams et al. that are identified by the Office Action as equating to the steps recited in claim 1 are all conducted by a consumer using the consumer's computer. For example, the disclosure of Williams et al. that the Office Action equates to querying a directory of payment systems, namely the user selecting a particular form of payment, is performed by the consumer. See, e.g., Williams et al., column 16, lines 32-35. Note that the steps performed by the consumer are distinct elements from the steps performed at the merchant web site 180, the bank web site 182, and the verifone web site 184. See, e.g., Williams et al., Figure 1B, showing the consumer's desktop functions including the Wallets 158, PayWindow applications, and Payment Manager 154. This is different from Applicants' invention recited in claim 1, wherein "the querying step is performed by the supplier," not the customer. Thus, Williams et al. cannot be understood to teach or suggest the method recited in claim 1 of the present application.

For similar reasons, Applicants submit that Williams et al. fails to disclose or suggest methods recited in independent claims 11 and 20. In claim 11, a gateway service is provided a customer's payment criteria for purchase of an item from an on-line supplier, and the gateway service performs the querying step. In claim 20, an on-line supplier queries a directory of payment systems to locate at least one payment system. As noted above, in the method of Williams et al. it is the consumer that performs the querying a payment system, not an on-line supplier or a gateway service.

Applicants further submit the secondary citations to Randell et al., Rose et al., and Campbell et al., as applied in the Section 103 rejections, fails to cure the deficiencies of Williams et al. In the Office Action, Randell et al. is applied as allegedly suggesting providing an indication of whether a located payment system matches payment criteria. Rose et al. and Campbell et al. are cited as allegedly suggesting certain features of the dependent claims. Applicants submit, however, that the secondary citations fail to cure the deficiencies of Williams et al. with respect to Applicants' invention, as recited in claims 1, 11, and 20.

For at least the foregoing reasons, Applicants respectfully submit that the cited references fail to teach or suggest Applicants' invention, as recited in independent claims 1, 11, and 20.

The remaining claims in the present application are dependent claims that depend directly or indirectly from claims 1, 11, and 20, and are allowable by virtue of their dependency and in their own right for further defining Applicants' invention. Favorable and independent consideration thereof is respectfully sought.

Claims 1-21 are also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/611,034.

Applicants respectfully submit that the claims of Application No. 10/611,034 fail to recite, or other wise suggest, including information indicative of whether located payment systems match payment criteria, as recited in claims 1, 11, and 20. Moreover, should the claims still be deemed obvious in view of the claims of Application No. 10/611,034, Applicants respectfully request that the double-patenting rejection be held in abeyance until such time that the claims of Application No. 10/611,034 or the present application are otherwise found allowable.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below

Respectfully submitted,

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